

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

JOHN WILLIAM JUMPER,

Plaintiffs,

v.

STATE OF MONTANA CASCADE  
COUNTY A.D.C.,

Defendants.

CV-18-108-GF-BMM

**ORDER ADOPTING MAGISTRATE  
JUDGE’S FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 31, 2019. (Doc. 12.) The Court mailed Plaintiff John William Jumper a copy of Judge Johnston’s Findings and Recommendations on May 31, 2019. *Id.* The mail was returned to the Court as undeliverable on June 11, 2019. (Doc. 13.) Jumper filed a Notice of Change of Address on June 17, 2019. (Doc. 14.) The Court reissued a copy of Judge Johnston’s Findings and Recommendations to Jumper on that same date.

Judge Johnston recommended that the Court dismiss the instant action for failure to state a claim. (Doc. 12 at 5.) Neither party filed objections. The Court reviews for clear error findings and recommendations to which no party objects. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). The Court finds no error in Judge Johnston’s Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED:

1. Judge Johnston’s Findings and Recommendations (Doc. 12) is  
ADOPTED IN FULL.
2. This matter is DISMISSED for failure to state a federal claim.
3. The Clerk of Court shall close this matter and enter judgment pursuant to  
Federal Rule of Civil Procedure 58.
4. The Clerk of Court shall have the docket reflect that the Court certifies,  
pursuant to Federal Rule of Appellate Procedure 24(a)(3)(A), that any  
appeal of this decision would not be taken in good faith. No reasonable  
person could suppose an appeal would have merit. The record makes  
plain the Complaint lacks arguable substance in law or fact.

5. The Clerk of Court shall have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g) because Jumper has failed to state a claim upon which relief may be granted.

DATED this 10<sup>th</sup> day of July, 2019.



---

Brian Morris  
United States District Court Judge

